

Brian Maguire, 104501  
PO BOX 250  
DRAPER, UT. 84020-0250

FILED  
U.S. DISTRICT COURT

In The United States District Court  
Central Division, District of Utah

BY:

Brian Maguire,  
Plaintiff,

v.

Dr. Richard Garden, et.al.  
Defendants,

Request To Amend Complaint

Case No. 2:10-cv-00626 CW

i. Plaintiff, Brian Maguire, pursuant to Fed. R. Civ. P., Rule 15 hereby requests leave to amend complaint correcting an inadvertent omission in his Amended Complaint (Docket No. 31, 11-8-10) prepared and submitted in compliance with Order of the Court to correct Deficient Complaint.

(Docket No. 13, 9-16-10) In preparing the (corrected) Amended Complaint, plaintiff inadvertently omitted the content of paragraph No. 25 from the Defendants section of the original complaint, Maguire v. Patterson, et.al., (Docket No. 5, 7-27-10)

ii. Plaintiff requests leave to incorporate paragraph No. 25 from the original complaint into the

Defendants section of the Amended Complaint as paragraph No. 13.5:

13.5 Each defendant is sued individually and in his/her official capacity. At all times mentioned in this complaint, defendants acted or failed to act under color of state law.

3. 7-26-11, the court ordered the Amended Complaint to be served. This is plaintiff's first request to amend since correcting deficiencies, and since defendants have not answered yet, plaintiff should be allowed leave to amend at this time. (Foman v. Davis, 391 US 178 (1969))

Declaration Under Penalties of Perjury

The undersigned declares under penalties of perjury that he is the plaintiff in the above action, that he has read the above Request to Amend, and that the information contained therein is true and correct. 28 USC § 1746; 18 USC § 1621

Executed at the Utah State Prison, Draper, on 8-16-11

Brian Maguire  
BRIAN MAGUIRE, prose

Certificate of Mailing

I hereby certify that I mailed copy of  
The foregoing Request To Amend Complaint to the following:

UTAH Attorney General  
160 EAST 300 South, Sixth Floor  
PO Box 140856  
SLC, UT. 84114-0856

This 16 day of August, 2011.

Brion Maguire

Cover-letter

RECEIVED CLERK  
AUG 18 2011  
U.S. DISTRICT COURT

Dear Clerk,

Please find enclosed Two copies of Request To Amend Complaint? I feel that it is critical that this matter receive the courts attention as soon as may be?

Please file and treat as appropriate?

Thank You

Sincerely

Brian Maguire

I am mailing copy to Attorney General of Utah as per Mailing Certificates.

Thanks

BEW

Brian Maurice, 104501  
067, 103

United States District Court  
Office of The Clerk  
350 South Main Street  
SLC, UT. 84101, 2180